

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID M. SCRUGGS, WILLIAM L. JOHNSON
and ATAKAN PEKER

Appeal No. 2002-1037
Application 08/963,131

ORDER REMANDING TO EXAMINER

An Information Disclosure Statement (IDS) was filed June 26, 2000 (Paper No. 22). It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for such consideration of the Information Disclosure Statement and for such further action as may be appropriate.

Appeal No. 2002-1037
Application 08/963,131

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
DALE M. SHAW
Program and Resource Administrator
(703) 308-9797

gjh

cc: GREGORY GARMONG
P.O. BOX 12460
ZEPHYR COVE, NV 89448